JOURNAL'S BUSINESS DIRECTORY.

CCAL-COAL-Coburn Coal Co., East 22d street. Anth-racite, coke, hard and soft coal. Phone 2445.

BRILL & CO., fancy dyers and cleaners silk curtains, any color, cleaned and finished equal to new; also ladies' light cloth jackets a specialty. 238 Massachusetts avenue and 155 North Illinois street.

FLORISTS-BERTERMANN FLORAL COMPANY, New No. 241 Mass ave., 228 N. Del. st. Tel. 840

Work called for. 128-144 Virg. ave. 'Phone 1269 MANTELS AND GRATES-P. M. PURSELL (Mantels, Furnaces), 231 Mass. ave.

PATENT LAWYERS-V. H. LOCKWOOD.

415-418 Lemcke building. SALE AND LIVERY STABLES-

HORACE WOOD (Carriages, Traps, Buck-boards, etc.) 25 Ctrois. Tel. 1097 SHOW CASES-WILLIAM WIEGEL, 116 South Pennsylvania st

UNDERTAKERS-FRANK BLANCHARD, 99 N. Delaware st. Tel. 411. Lady Attendant H. C. STEVENS, New Style Wall Paper, Low prices. 200 N. Senate ave. Tel. 2 on 2552.

FUNERAL DIRECTORS

FLANNER & BUCHANAN-320 North Illinois street. Lady embalmer, for ladies and children. Office always open. Telephone 64L Hacks at lowest prevailing price.

C. E. KREGELO. FUNERAL DIRECTOR,

Residence Phone, New 1749. branch cance on N. Illinois street.

DIED.

CARSON-Parker S. Carson, on Tuesday, Feb. 13, 1900, at his residence, 1508 Hoyt avenue Funeral notice later. PITTS-At her residence, No. 1327 North Senate avenue, Monday night, Feb. 12, at 11:15 o'clock, Mrs. Annie Pitts, wife of George W. Pitts. Funeral from late residence Wednesday, Feb. 14, at 2 o'clock p. m. Interment at Crown Hill.

FUNERAL NOTICE.

COLDEN-Funeral of John Earl, infant son of John E. Colden, will take place at 10 a. m. Wednesday, Feb. 14, at the home, 2522 College avenue. Burial private.

FINANCIAL.

LOANS-Money on mortgages. C. F. SAYLES. 135 East Market street. LOANS-On city property; 5% per cent.; no commission; money ready. C. N. WILLIAMS CO., 319 Lemcke building. MONEY-To loan on Indiana farms; lowest mar

ket rate; privilege for payment before due; we iso buy municipal bonds. THOS. C. DAY & CO., Rooms \$05-812 Law building, Indianapolis. FINANCIAL—We will make loans of \$1,000 and above on centrally located Indianapolis property at 4½ to 4% per cent., interest payable annually, with privilege of making partial payments upon principal, etc. HOWARD M. ATKINSON, Wabash, Ind.

NOTICE.

NOTICE—Party who got two wrong umbrellas from checkroom of Grand Opera House Monday evening will confer a favor by returning them to box office and receiving right ones.

FOR SALE.

FOR SALE-Ten R.I.P.A.N.S for 5 cents Druggists; one gives relief. for SALE—Complete new outfit of hand-laundry machinery; cheap. A. E. POWELL, Marion, Ind. FOR SALE-A good blacksmith shop; engine-turning lathe, rip-saw, emery stand, two forges; lots of tools. For particulars address J. L. M'ADAMS, East Lynn, Ill.

STORAGE.

STORAGE—INDP'LS WAREHOUSE CO.
W. E. Kurtz, Pres. H. A. Crossland, Mgr.
(New) 517-523 S. Penn. 'Phone 1363.
We STORE, PACK AND HAUL. BTORAGE—The Union Transfer and Storage Com-pany, corner East Ohio street and Bee-line tracks; only first-class storage solicited. CRAT-ING AND PACKING OF HOUSEHOLD GOODS

WANTED-AGENTS.

WANTED-1,500 agents wanted at once to sell our white and fancy rubber collars, cuffs, bosoms, patented waterproof neckties; no better line to sell; few as good; guaranteed goods; liberal commission; exclusive territory; write immediately. M. & M. MFG. CO., Springfield,

book contains 640 royal octavo pages, handsomely illustrated and attractively bound; a grand apportunity for agents; act quickly. Call on THOS. J. CALE & CO., 44-47 Pickering building,

WANTED-You have the wrong book if you haven't the authentic life of D. L. Moody, by haven't the authentic life of D. L. Moody, by Rev. J. Wilbur Chapman, D. D. Dr. H. M. Wharton and other most intimate friends and co-workers of Mr. Moody say of Dr. Chapman: "Of all men in the world I should select you first to write the life of our dear friend, Mr. Moody." Hundreds of agents write us every day: "Have prospectus for another life of Mr. Moody, but prefer Dr. Chapman's to any other; will transfer orders to yours." Mr. Moody's son writes Dr. Chapman: "I know of no one who could write with a better appreciation of my father's life than you." Over 500 pages; magnificently illustrated with exclusive photographs. If you are wise, you will send at once 20 cents If you are wise, you will send at once 20 cents to pay postage on free outfit. Highest commission; credit given; freight paid. JOHN C.

WANTED-MALE HELP.

WANTED-Baker; a good steady man; single preferred; good on bread and cakes; a good place to the right man. Address HUMMEL WANTED-For U. S. army: Able-bodied men between ages of 21 and 35, citi United States, of good character and emperate habits, who can speak, read and write lish. For information apply to recruiting er, 25 North Illinois street, Indianapolis, Ind. WANTED-Men to learn barber trade. We have a grand offer special this month; 500 position at 360 monthly open soon; new field; eight week erm qualifies. Complete outfit of tools present

WANTED-SALESMEN.

each student. Our graduates' success increases the demand for help, and they are authorized to work in any State. Can earn tuition working for us. Illustrated catalogue, explaining our new inducement, mailed free. MOLER BARBER

WANTED-High-class specialty salesman for line of calendars, rans and campaign novelties Handsomest and most complete line on market landsomest and most complete line on market oberal contract. KERN COMPANY, Adv. Dept

OCEAN STEAMERS.

PARIS-1300-S. S. Aller, specially chartered sail 3 p. m. June 27, to Cherbourg, Southam ton and Bremen; also, steamers City of Ror and Nebraska specially chartered, June 30, asgow, for Paris exposition, Oberammergau Passion Play and tour of Europe, booking now also, thirty other spring and summer excursions to Europe. Holy Land party leaves March 3, April 28, June 27. Round the world parties, Sept. 12, Oct. 3, Nov. 3. F. C. CLARK, 111 Broadway, New York.

LEGAL ADVERTISEMENTS.

NOTICE TO BIDDERS.

the Board of Trustees for the Central Indiana dospital for Insane, Indianapolis, Ind., until 2 clock p. m. February the 22d, 1900, for the tile loors for the dining room, department for men. Plans and specifications can be seen at the office of Adolf Scherrer, Architect, Room 415, Indiana Trust building, Indianapolis, Ind. diana Trust building, Indianapolis, Ind.
The Board reserves the right to reject any

By order of the Board of Trustees. State of Indians, Marion county, ss. In the State Aetna Saving and Loan Association vs. Hora

39. Complaint to foreclose mortgage Be it known that on the 23th day of January 1900, the above named plaintiff, by its attorneys filed in the office of the clerk of the operior Court of Marion county, in the State of Indianalits complaint against the above-named defend ants, and the said plaintiff having also filed is aid clerk's office the affidavit of a competer person showing that said defendants Horace Mearns and Margaret Kearns are not resident of the State of Indians; that said action is e a mortgage on real estate and the sa defendants are necessary parties thereto, ar whereas, said plaintiff, having by indorseme on said complaint required said defendant appear in said court and answer or demur ther to on the 26th day of March, 1900; low, therefore, by order of said court, sa ats last above named are hereby not lling and pendency of said complain them, and that unless they appear a or demur thereto at the calling of salon the 20th day of March, 1909, the sam

BIG FOUR & LAKE SHORE

LAW STANDS IN THE WAY OF THE RUMORED CONSOLIDATION.

Satisfactory Earnings of the C., C. C. & St. L. Lines-General and Personal Railway News.

The report that the Lake Shore will absorb the Big Four is being ridiculed by papers and financiers who understand the location of the lines. Ohio laws forbid the operating of parallel lines by one company, as are the Lake Erie & Western and the Big Four, and the law was decided to be constitutional when an attempt was made to consolidate the Big Four and the Cincinnati, Hamilton & Dayton lines. President S. R. Callaway, of the New York Central, said yesterday there was no truth in the report that the Cleveland, Cincinnati, Chicago & St. Louis would soon be absorbed by the Lake Shore and the two managements combined. Both the Big Four and the Lake Shore are under the control of the Vanderbilt interests, and the denial of Mr. Callaway of the alleged combination quiets rumors that have been extant for some time.

Big Earnings. In the first week of February the Big Four proper eclipses all records of earnings in any winter month in its history, exceeding \$44,000 per day, being for the week ending Wednesday, Feb. 7, \$308,138.72, an increase over the corresponding week of 1899 of \$62,455.56.

The Peoria & Eastern earned in the first week of February \$51,264.29, an increase over the corresponding period last year of \$16,982.20. In proportion to its mileage the increase of the Peoria & Eastern is fully as striking as the earnings of the Big Four The Chicago, Indianapolis & Louisville

ports for December: \$274,146 196,705 Gross earnings... \$336,501 Exp. and taxes.. 225,648 197,345 Net earnings... \$110,852 \$77,440

From July to Dec. 31: Gross earnings...\$2,151,156 \$1,783,298 \$1,783,363 Exp. and taxes.. 1,283,471 1,194,659 1,226,570

Net earnings... \$867,685 \$588,638 \$556,792 Personal. Local and General Notes. Edwin R. Holden, vice president of the

Lackawanna, will on March 1 retire from that position Wages of conductors and brakemen on the Illinois Central, it is stated, are to be advanced an average of \$5 per month after

A. L. Smith, air brake inspector of the Big Four, has resigned and will go to Port Huron, Mich., to accept a position on one of the roads reaching that point. In the week ending Feb. 10 there were

handled at the Indianapolis terminals of the Big Four 15,445 cars, 7,798 being for the Chicago and Cincinnati divisions. Philip Allen, superintendent of Franklin division of the Lake Shore, has resigned, to look after his large estate, and is succeeded by C. B. Murray, of Buffalo. Traffic over the Bee-line division of the

Big Four is reaching a heavy volume. On Monday eleven heavy freights were sent east, ten of them through freight trains. One of the foronto papers says that, in consequence of the advance made freight rates by the railroads, certain merchants of that city are carrying their freight between Toronto and Hamilton, forty miles, on wagons.

In a train over the Bee-line division of the Big Four a freight car broke down Monday night near Lagrange, wrecked sixteen cars loaded with grain and made bad work yesterday in the through train service for several hours.

District Passenger Agent Algeo, of the Monon, yesterday contracted to carry sixty-seven "skat" players on Saturday from Indianapolis to Minneapolis on special cars, north of Chicago going over the Chicago, Milwaukee & St. Paul.

The Hoop scheme of delivering train orders to engineers and conductors is being tested on the Pittsburg, Fort Wayne & Chicago. J. C. Quay, conductor on the Erie, invented the plan, which is being used successfully on the Erie.

In 1895 the Illinois Central operated 2,888 miles of main line, and its gross earnings were \$19,056,994; net earnings, \$7,430,906. In 1899 this company operated 3,671 miles of ma.n line, its gross earnings were \$28,114,-

690, and net earnings, \$11,133,506. Receiver Hunt, General Superintendent Sherwood and Chief Engineer Randall, of the Toledo, St. Louis & Kansas City, are this week inspecting the property, among other things considering the building of

some new depots along the line. W. H. Reed, for many years the general agent of the Wabash and one of the best known railroad men in the West, is now in the employ of the United States government in the Northwestern Territory. W. H. McDoel, president of the Monon, and the division chief engineers are this week inspecting the lines with a view of etermining what improvements shall made to roadbed, stations, etc., this year.

C. A. Parker has accepted the position of traffic commissioner of the St. Louis Traffic Bureau, which was made vacant by the death of A. J. Van Landingham. The applicants for the position were numerous. On Monday over two hundred carloads of steel rails were started out of Pittsburg over the Pittsburg, Fort Wayne & Chi-cago and Panhandle lines, most of them destined to points west of Chicago and St.

Foreign cars are again becoming quite numerous on the Big Four and Pennsylvania lines. For some months Western and Northwestern lines would not allow their cars to come east of St. Louis, Peoria and

The Continental line has put on a daily merchandise train between New York and Kansas City to make the run in eighty hours, the same time as is now made by the Vanderbilt and Pennsylvania lines between the cities named.

The grievance committee of the Order of Railway Telegraphers will hold a conference to-morrow, in Chicago, with General Manager Mudge, of the Santa Fe system. They are asking for a revision of wage scale and more regular hours.

The joint passenger committee of the Central and Eastern trunk lines has referred the matter of continuing the payment of commissions to old-time tourist agents to a committee. It is generally conceded that the old system will prevail. The first week in February the Balti-more & Ohio carried less than 4 per cent. of the east-bound tonnage from Chicago to the seaboard, while one of the so-called weak lines carried 27 per cent., and the B

& O. officials hint that some shading of Three large gangs of men are at work on the new shops the Wabash is building at Fort Wayne in place of those burned, and it is expected to have them completed by April 1. When completed they will be as well equipped as any shops on the Wa-

bash system, although not the largest. D. B. Martin, manager of the passenger traffic of the Baltimore & Ohio lines, who has been on a Western trip, returned on Monday to his headquarters. He is confident that the ensuing year will be one of the most profitable in the way of passenger business experienced for many years. It is stated that the Pittsburg & Lake Erie Railroad is now owned directly by

ger engines required for the fast heavy trains of the Panhandle are provided the class P engine, the heaviest now in use on the lines west of Pittsburg, will be rebuilt and placed in service on divisions where traffic is lighter than between Pittsburg and Indianapolis and Columbus and

. The opening of the branch from Tara to Council Bluffs, which gives the Illinois Central a through route from Chicago to Omaha, adds 131 miles to this company's

first-class roads handling the competitive business between Chicago, Council Bluffs

and Omaha. The directors of the Fitchburg Railroad at a meeting yesterday refused to ratify the proposition to lease the Fitchburg to the Boston & Maine Railroad by a vote of 8 to 5. It was voted to leave the entire question of the lease of the Fitchburg road to the stockholders.

Since Fes. 1 orders have been placed for over seventeen thousand new cars of different patterns, the orders coming from twenty different roads. During the same period, orders for 120 new locomotives have been given out, which, at the present standard of prices, brings the cost of the equipment contracted for in the last ten days up to \$12,860.0

The railroad branch of the Young Men's Christian Association at Pittsburg is instructed in mechanical matters, as well as on religious topics. To-morrow evening they will be addressed by W. B. Ford. general foreman of the erecting shops at Altoona, on "How to Cure a Lame Engine." A working model of an engine will be used at the lecture.

'A number of leading officials of the Brotherhood of Railway Trainmen, Order of Railway Conductors and Brotherhood of Railway Firemen are in conference at Pittsburg. It is hinted that the matter of a new federation is being considered. Withdrawal of the trainmen is said to have disrupted the old federation and rather demoralized matters with the brotherhoods.

THE MARION CLUB BALL

The Success of Previous Years to Be Outdone This Year.

To-morrow evening Tomlinson Hall will present a veritable vision of beauty to those who attend the annual ball of the Marion Club. The decorations of the hall have been carefully planned on a magnificent scale, and a score of decorators will take charge of the hall as soon as it is vacated to-night, as it will require all the time to get the hundreds of yards of bunting and cases of Southern smilax in position to have everything in readiness for the opening of the ball. The stage will be used for serving refreshments and will be profusely decorated, front, sides, back and ceiling, with flags, bunting and electric lights. The front of the stage will be banked with palms, and a broad staircase will lead up from the floor of the hall in the center of the stage.

The ceiling of the hall will be treated in an entirely different manner than on any previous occasion, and will be a mass of flags and bunting. The front of the balcony will be covered with white muslin over which a wealth of Southern smilax will be used, through which at intervals will appear the life-sized pictures of the leaders of the Republican party. Electric lights in all colors, with American Beauty roses and other cut flowers, will be profusely used in the green leaves to give color to the decoration. The side walls below and above the balcony will be elab orately covered with tri-colored fans and flags, and this same treatment will be used at every available point about the hall. Special electric wires will furnish the current for the myriads of lights that will

lend brilliancy to the scene. The music will be furnished by a full orchestra of twenty-five pieces, under the direction of Guy Montani, and a selected concert programme will entertain the guests until the time for the grand march to commence. The march will be led by Robert H. Bryson, the president of the club, followed by the ex-presidents, this part of the programme being in charge of Thomas E. Potter, sr., the chairman of the floor committee. Charles A. Bookwalter is the chairman of the reception committee and has an able and efficient corps of assistants to see that the guests of the club are properly taken care of. Indications point to a very large attend-ance of out-of-town people, and these guests will receive the careful attention of the committees in charge. From present indications there will be more than one hundred couples from out of the city, which is an indication of the interest

shown by the nonresident members and their friends. A large number of tickets have already been taken and may still be procured from members of the entertainment committee

or at the clubhouse. NEW OFFICERS CHOSEN.

The Commercial Club Enters Upon New Regime.

The new board of directors of the Commercial Club met yesterday at 1 p. m. and elected the following officers for the ensu-

President-Charles E. Coffin. Vice Presidents-Frank Gavin and Major

Taylor. Treasurer-C. E. Hollenbeck.

Secretary-Evans Woollen. President William E. English retired favor of the new president, Charles E. Coffin, after a short speech, in which he briefly reviewed the work of the club during the time he has been its president and

expressing thanks for the co-operation given him in his efforts to make the club Captain English also read a communication of Gen. John P. Hawkins, urging the Commercial Club to take up the question of securing, if possible, for Indianapolis, a permanent military post, it appearing to him that, on account of the large increase in the army, new posts would be required and Indianapolis was a proper place for one. He suggested that a citizens' committee be appointed and that the Governor

and all members of Congress be urged to The suggestions made were approved and the work will be taken up at once. A communication asking that the club indorse a bill requiring that all applicants for positions with the Weather Bureau be first recommended by congressmen before being allowed to compete in the necessary examinations. Vigorous expressions of disapproval were heard from all members of the board and the secretary was instructed to so express the views of the

A communication from S. O. Pickens. protesting against the expression of opinon of the club relative to the White river navigation scheme, was read and filed.

RECEIPTS AND SHIPMENTS

Over the Fifteen Lines of Railroad for Month of January.

The official report of the secretary of the Board of Trade shows the following shipments and receipts over the fifteen lines of railroad centering here for the

month of January: Receipts-Flour, 16,390 bris; wheat, 353,250 bu; corn, 983,500 bu; oats, 146,000 bu; barley, 32,900 bu; bran 192 tons; hay ,181 cars broom corn, 547,500 lbs; cement, 11,003 brls; coal, 2,622 cars; coke, 127 cars; cooperage, 70 cars; corn meal and hominy, 1,917,459 lbs; cotton, 1,142 bales; cattle, 12,642 head; hogs, 114.205 head; horses, 3,530 head; mules, 663 head; sheep, 1,336 head; eggs, 3,260 cases; fruit, 3,674,700 lbs; hair and bristles, 213,600 lbs; hides, 1,303,702 lbs; iron, 544 cars; lard, 75 tierces; lath, 30 cars; lime, 40 cars; logs, 394 cars; lumber, 285 cars; machinery, 78 cars; bulk meats, 1,178,900 lbs; oil, 6,561 brls; potatoes, 16,089 bu; poultry, 768,308 lbs; provisions, 6,532,592 lbs; salt, 11,200 brls; shingles, 60 cars; spirits and liquors, 5,430 brls; starch, 1,591,383 lbs; stone, 196 cars; tallow, 371,055 lbs; tobacco, 141,200 lbs; wool, 1,210,000

1,129,975 lbs; hair and bristles, 120,000 lbs; hides, 485,000 lbs; ice, 40 cars; iron, 591 cars; lard, 8,742 tierces; lime, 12 cars; logs, car; lumber, 107 cars; machinery, 228 cars; bulk meats, 14,515,485 lbs; oil, 3,288 brls; pork, 7,869 brls; potatoes, 4,623 bu; poultry 623,000 lbs; provisions, 4,384,416 lbs; salt, 5,600 bris: spirits and liquors, 7,710 bris; starch, 1,834,925 lbs; stone, 65 cars; tallow, 218,900 lbs; tobacco, 11,500 lbs; miscellaneous, 84,-

KNOTTY LEGAL PROBLEM

VANDALIA COUNSEL ATTACKS CON-STITUTIONALITY OF LAW.

Judge Leathers Will Probably Decide the Point To-Day-High Court Decisions-Other Cases.

When Judge Leathers, of Room 2, Superior Court, started home yesterday evening he promised himself a wakeful night wrestling with a perplexing legal problem sprung during the afternoon by John G. Williams, general counsel for the Vandalia Railway. The question was raised in the damage suit of Elizabeth Hawkins, administratrix, against Volney T. Malott, receiver of the Vandalia Railway. The suit is to recover damages on account of the killing of Mrs. Hawkins's husband by a T. H. & I. train. Her husband and son were killed at a crossing about five miles

Yesterday afternoon John G. Williams, who is defending the suit, attacked the constitutionality of a state law which went into effect on Feb. 7, 1899, and which provides that in cases where suit is brought to recover for personal injuries or death from accident it is not necessary to show that the one injured or killed was not guilty of contributory negligence. Prior to the passage of this act the law required that in a suit for damages the lack of contributory negligence on the part of the one injured or killed must be shown. Attorney Williams claims that the act of 1899 s unconstitutional because it is special egislation. The attorney holds that the Legislature had no right to pass a special act which would have the effect of regulating the general practice of the court. Mr. Williams attacked the constitutionality of the act while arguing a motion which requested the court to instruct the jury to find for the defendant. This is the first time the constitutionality of this act has been assailed, it is said. Judge Leathers will probably give a decision to-day.

THE SOUTHWELL CLAIM.

Still Another Step in the Premier

Steel Company Litigation. In the Premier Steel Company litigation in the Circuit Court, H. E. Southwell, of Cuicago, has filed an answer to the intervening petition of the Illinois Steel Company and other creditors. Before the Premier Company went into the hands of a receiver, H. E. Southwell loaned the company \$70,000, and took as security for the

money \$100,000 of the company's bonds. The Premier Company failed and Southwell still has the notes of the company and the bonds secured by a mortgage on the plant. When he filed his claim in court it was resisted by the Illinois Steel Company and other creditors, who claimed that the deal between Southwell and the company was fraudulent because the mortgage was not placed on record for some time after it was executed. Some of these creditors claimed they would not have loaned the Premier Company money had they known of the existence of this large mortgage. They asked that their claims be given precedence over that of Southwell. In the answer filed by Southwell it

averred that he was to loan to the Premier Company \$100,000, but could only raise \$70,000. He says that when the mortgage was executed it was arranged that it should be kept off the record until he should feel insecure about his claim. He denies that there was any fraud in the arrangement. Southwell further avers that every dollar of the \$70,000 loaned by him to the Premier Company was expended for the betterment of the plant and the general creditors received the full value of this betterment.

GRAND JURY'S REPORT.

Persons Against Whom Indictments Were Found.

The county grand jury made a partial report to the Criminal Court yesterday as follows:

Elza Bennett, larceny of a quantity of ewelry, etc., from Carrie Essigke, 1205 Kentucky avenue. Frank Basket, receiving and concealing one horseshoe pin valued at \$10, the property of Loraine Stewart, 105 South Senate

Oliver Carey, assaulting and stabbing James McNeilan, 29 Kentucky avenue. Pearl Gann, assaulting Louis Vaughn 1021 Muskingum street, with a razor. Marie Marshall, larceny of sheets, towels, etc., valued at \$95, from Nellie Sherman 150 South Senate avenue.

John V. Matheny, Charles Krugle and Clinton Harvey, burglary of the residence of Charles H. Cook, 1221 Hoyt avenue. Frank Shannon, larceny of an overcoat, valued at \$50, from Judge U. Z. Wiley, of he Supreme Court. Paul V. Robinson, shooting Matilda Robinson, 303 Greer street, with intent to murder her.

The jury recommended that Abram Lemmens and Bos Simson be discharged for lack of evidence on which to find indictments. Deputy Prosecutor Wall said yesterday evening that the jury still has number of jail cases to investigate before taking up any other matters.

HER THEATRICAL VENTURE.

Mrs. Stewart Went on to New York

to Become a Dancer. In the divorce suit of Ida M. Stewart against Dr. Louis C. Stewart, which has been on trial in the Circuit Court for nearly a week, Judge Allen yesterday evening gave a strong intimation that he would grant Mrs. Stewart a divorce. Dr. Stewart was himself asking for the divorce and made many serious charges against his wife. The case closed yesterday evening

and the court will make its finding this In the testimony yesterday reference was made to Mrs. Stewart's theatrical venture. In 1898 she left Dr. Stewart and went to New York to join a theatrical company. She testified several days ago that when she found that Dr. Stewart was not going to support her she began to take lessons in stage dancing. When she became pro ficient she purchased an electrical outfit and went to New York with the intention of joining a theatrical company. Her purpose was to give a spectacular dancing act. Dr. Stewart yesterday asserted that his wife did not join a theatrical company when she went to New York. To show that he was not the brutal husband ne was alleged to be he testified that he went on to the metropolis and brought his wife home after she had been there a few weeks.

Water Rent Case Appealed. The case of Cynthia Butsch and Aller Caylor against the Indianapolis Water Company was filed on appeal in the Su preme Court yesterday. Several years ago the water company leased to Cynthia Butsch the right to take water from its canal, for which she agreed to pay the company \$500 a year water rent. She afterward transferred her rights to Allen Caylor, who paid the company the stipulated rent for a number of years and then refused to pay anything at all. Ine company sued Caylor and Cynthia Butsch, the original party to the suit, for \$3,500 and recovered a judgment for \$2,120. The defendants then appealed.

Street Car Company Wins.

responsible for the killing of the plaintiff's horse. The accident occurred near the state fair ground.

Unsatisfactory Marital Conditions. Robert Davis began an action for divorce

yesterday from Hattie Davis, to whom h was married in 1898 and from whom he sep house, in the city of Indianapolis, on the first Monday in March, 1999, said complaint and the main track. The distance is 516 miles, matters and things therein contained and alleged will be heard and determined in their absence, miles longer than the Chicago, Milwaukee & St. Paul. Hawkins & Smith, Attorneys for Plaintiff.

Omaha, adds 131 miles to this company's defendant cursed him, threatened to kill ited train, through to Florida without main track. The distance is 516 miles, or about twenty-five miles longer than the Chicago, Milwaukee & St. Paul. Which is the short line. This makes five the distance is 516 miles, and several men who defendant cursed him, threatened to kill ited train, through to Florida without mer police judge, and several men who defendant cursed him, threatened to kill him herself and intimated that she would which is the short line. This makes five the city of Indianapolis, on the first main track. The distance is 516 miles, intendent of police; Charles E. Cox, for-defendant cursed him, threatened to kill ited train, through to Florida without mer police judge, and several men who defendant cursed him herself and intimated that she would him herself and intimated that she would which is the short line. This makes five the city of Indianapolis, on the first main track. The distance is 516 miles, it to Jacksonville, is a vestibuled limit to Jacksonville, is a vestibuled limi

She also asserted that she thought more of Samuels than she did of the plaintiff. John Costello is suing Jennie Costello for divorce. He says the plaintiff provoked him in order to get him to strike her so that sne might have him sent to the workhouse. He charges that the defendant has made the statement that she "hates, loaths and despises him."

Building and Loan Decision.

The Appellate Court yesterday reversed the decision in the case of the Columbia Finance and Trust Company against Clinton K. Tharp. The court held that where a borrowing stockholder of a building association has given notice of his intention to withdraw and pay off his loan and the association passes into the hands of a receiver after the notice of withdrawal has matured, but before the stock has actually been withdrawn, he must pay off his loan in cash and wait until the affairs of the association are wound up before receiving dividends on the withdrawal value of his

For Possession of a Child. Eliza Howard began habeas corpus proceedings in the Circuit Court yesterday against Sarah Peek for possession of the plaintiff's child by a former husband. Mrs. Howard's name was formerly Moore. Her husband died in 1896 and several months after his death his sister, Sarah Peek, came and took his child to her own home The mother has since married again and

THE COURT RECORD.

APPELLATE COURT. 3015. Johnson vs. Foreman. Marion S. C. Reversed, Comstock, J.-1. When a judgment was rendered Oct. 1, 1897, on motion modified Jan. 20, 1898, an appeal perfected Jan. 7, 1899, held, that the appeal was within time. 2. It is the inherent power of courts to correct mistakes and supply omissions in their records whenever and wherever the records supply the means of making such corrections or supplying such omissions during the term in which judgment is rendered, such power is not restricted to clerical misprisons or omissions, but to errors of the court. 3. Clerical errors may be amended after the term at which judgment is rendered for the purpose of making the record speak the truth and not for the purpose of reversing a judgment. 4. It is error for the trial court to modify a judgment so as to make a material change therein after the term at which it was rendered has expired. 2912. Columbia, etc., Company, assignee, vs. Tharp. Daviess C. C. Reversed. Robinson, J.-1. Under the act of March 8, 1897

foreign building association may bring an action in this State to wind up the affairs of such association, although the latter had never complied with the laws of this State respecting its admission to do business herein. 2. The fact that a stockholder in a building association has an order for the withdrawal value of his stock when the association becomes insolvent does not make his claim any more meritorious than that of any other stockholder. 3. An order prescribed by the by-laws of an association for paying out money to stockholders in the regular course of business does not apply after the association has made an assignment; and after the assignment all contracts mature and it is the duty of the assignee to wind up the affairs of the institution, and a stockholder must bear his proportionate share of the losses. 4. A borrowing member from an insolvent building association is only entitled to credits from payments of interest and premium as stock payments are to be subjected to losses and expenses. 5. In an action against a borrower on a note the defendant may have set off against the amount due on the note the amount due defendant from

the association for services rendered. 2989. Phoenix Insurance Company Walters. Gibson C. C. Affirmed. Black, J. -1. Where a fire insurance policy provided in the beginning that it was insurance against all direct loss or damage by fire, said city, both elective and appointive, except as afterwards provided in the policy. to an amount not exceeding a specified sum, upon certain described property, held, that the exception merely related to all subsequent provisions of the policy qualifying the otherwise absolute agreement to insure against such loss or damage, and to determine how far, in any particular, this qualificiation extends all the subsequent provisions bearing upon the matter are to be considered together and harmonized, so far as the rules of construction applicable to policies of insurance will allow. 2. Where a fire policy insured a of the said special committee or any memhardware stock and "such other merchandise as is usually kept for sale in a retail hardware store," whether dynamite | books, papers, documents, plats, state-

is usually kept with the hardware stock is | ments, orders or reports, or any copy of a question of fact. 2935. C., C., C. & St. L. Railway Company vs. Shrum. Montgomery C. C. Petition for rehearing overruled 294. Equitable, etc., Association vs. Scull Boone C. C. Dismissed.

3022. Ferris vs. American Brewing Co. Marion S. C. Transferred to Supreme Court. 3025. Calvert vs. Hendricks. Boone C. C. Transferred to Supreme Court. SUPERIOR COURT. Room 1-John L. McMaster, Judge. Joseph Lichstenstetter vs. Citizens' Street-railway Company; damages. Jury returned verdict for defendant Citizens' Street-railway Company. Capital National Bank of Peoria vs. John K. Carson; on note. Jury returned verdict for plaintiff for \$614.22.

for possession of chattels. Finding for defendant. Judgment against plaintiff for Room 2-James M. Leathers, Judge. Elizabeth Hawkins, Administratrix, vs. the city controller and approved by Mayor Volney T. Malott, Receiver Vandalia Rail- Taggart, and which was read at the openroad Company; damages. On trial by jury.

Altras M. Thompson vs. Valentine Born;

Room 3-Vinson Carter, Judge. Davis Schneiderman vs. United States Express Company; damages. Jury return verdict for defendant. John Bayrne vs. Hetherington & Berner Company; appeal. On trial by jury.

CIRCUIT COURT.

Henry Clay Allen, Judge.

Ida M. Stewart vs. Louis C. Stewart; divorce. Trial resumed. Additional evidence heard. NEW SUITS FILED. Robert Davis vs. Hattie Davis; divorce. Superior Court, Room 3. Marion Bond Company, trustee, vs. Rosalind Zoller et al.; improvement lien. Superior Court, Room 3.

John Costello vs. Jennie Costello; divorce. Superior Court, Room 2. ANNUAL MEETING HELD

Of the Independent Order Knights of Pythias Grand Lodge.

The Grand Lodge of the Independent Order Knights of Pythias of Indiana held its annual meeting yesterday in Castle Hall, 14 West Ohio street, with about 150 delegates and officers in attendance. The membership of the order in Indiana numbers about 1,800, most of whom are Germans, and in several of the lodges all of the class work is conducted in the German language. Subordinate lodges are ocated in Indianapolis, Muncie, Anderson, Terre Haute and Evansville. Among the more prominet officers present are Louis ingwersen, supreme chancellor, of New York city, who is connected with the New York Central railroad; Grand Commander August Woerner, H. Koerner Lodge, No. : Grand Vice Commander D. M. Snider, Banner Lodge No. 6. The evening was spent at the German House where the members were enter-

followed apolis; grand commander, E. M. Haggard at-arms, E. Grove, Muncie; grand inner guard, J. E. Farrel, Logansport; grand outer guard, William Gatta, Evansville; grand trustee, Jos. Keller, Indianapolis;

cie; Jacob L. Bieler, Indianapolis, Florida and Cuba.

The Florida Limited, Queen & Crescent

ACME COUGH SYRUP,

CROUP, COUGHS, COLDS,

ALL PULMONARY DISEASES. NO MORPHINE, OPIUM, OR OHLOROFORM. OUR GUARANTEE:-Use half the contents of one bot-

tle according to the directions, and if you obtain

no relief we will cheerfully refund the money. ACME KIDNEY AND LIVER CURE, \$1.00 A BOT. ACME OINTMENT, SKIN CURE, 50 CENTS A BOX. - - 1.00 " ACME LIVER PILLS, - - 25 CENTS PER BOX. - - 25 & 50 CTS. ACME CORN CURE, SURE CURE, 10 CENTS A BOX. ACME COUCH SYRUP, ACME NERVE KING. - - 50 AND 75 CENTS. ACME VECETABLE SOAP. - 10 CENTS A BAR. Sold and Guaranteed by all Druggists.

THE ACME REMEDY CO., INDIANAPOLIS, IND.

FOR AN INVESTIGATION

COUNCILMAN NEGLEY INTRODUCES A RESOLUTION IN COUNCIL.

It Provides for a Complete Investiganow wants her child. She claims the detion-Apropriation Ordinance fendant refuses to give up the little one. Not Passed.

> At a special meeting of the City Council ast night a resolution providing for the investigation of every part of the city administration where it is believed an in vestigation is needed was passed by a strict party vote. It is needless to say that this was a Republican vote. The resolution was offered by Councilman Negley and

reads as follows: "Whereas, Section 96 of the Charter of the City of Indianapolis provides that no member of the police or fire departments of said city shall be discharged for political

causes; and "Whereas, a large number of the members of said police and fire departments have recently been discharged without trial or opportunity to make a defense; and "Whereas, it is currently reported, and openly stated in the newspapers of said city that said members of the police and fire departments have been discharged for (Acts 1897, Page, 284), an assignee of a political reasons and party affiliations, and for no other reason; and

"Whereas, it is commonly reported, an openly charged in the newspapers that violations of the provisions of city charter and other valid existing laws and ordinances been perpetrated, committed aided and abetted by various persons hold ing various offices and appointments under and by virtue of the charter of the city of Indianapolis by election and appointment; the same being greatly prejudicial to the public welfare if true as reported: Therefore be it

"Resolved, By the Common Council of the City of Indianapolis that pursuant to authority vested in this Common Council by Section 27 of the charter of said city, a special committee on investigation and impeachment, to be composed of seven members of this body, not more than five of whom shall be of one political party, and including therein the members of the present standing committees on investigation and impeachment, be appointed by the president of this Common Council to investigate the alleged violations of said city charter involved in the dismissal and discharge of said members of the Indianapolis fire and police departments; and to investigate also, any and all acts, both public and private, official and unofficial of any and all officers and employes of which are or may be found to be prejudicial to the public welfare and good government, or violations of said city charter; and the result of said investigation and the finding of said special committee shall be by said committee reported in full to this Common Council upon the termination of said investigation.

"And pursuant thereto said special committee is hereby vested with full power to cause the city clerk of said city to issue a subpoena or subpoenas, attachment or attachments, by order of the chairman ber thereof authorized to act for him, fo any and all witnesses and any and all copies thereof, which may be desired by said special committee for the purpose of said investigations; and said city clerk shall have said subpoenas and attachments duly served by and through the police department of said city, or by any other person duly authorized by said special committee to act in such capacity, and due return shall be made of the same to said special committee by the department, person or persons serving the same. Said special committee shall have full power to hold its meetings at such times and places in said city as it may deem best, and to continue and adjourn said meetings from time to time until said investigation, finding and report have been completed; and be it further

"Resolved, That the mayor is hereby respectfully requested to officially act on this resolution at his earliest convenience." APPROPRIATION ORDINANCE. The resolution was passed instead of the appropriation ordinance recommended by ing of the meeting. It was drawn up by the city attorney and provided for an appropriation of \$500 to conduct the investigation of the dismissals in the police and fire departments. Of this \$500 it set apart \$150 with which to pay a stenographer for taking a report of the proceedings. The other \$350 was to be used in paying for a transcript of the case or of such parts of as the Council committee might decide to money should be used after April 1.

report to the Council. The ordinance further provided that no part of this Mr. Perrott and Mr. Knight, Democrats, were absent from the meeting, both being out of the city. As soon as it was announced that an appropriation ordinance had been recommended Councilman Bernauer arose and moved that it be placed on its passage. Councilman Megrew suggested that it might be well to wait until he ordinance had been read before taking a vote. The clerk then read the ordinance and the "ayes" and "noes" were called. The Democrats all voted for it, but the ordinance was defeated by a vote of eight to eleven. The Republicans were amused at the eagerness of the Democrats in atempting to get the ordinance through. Had it passed the Republicans would have been "tied up," as one of the members of the Council expressed it after the meeting. In accordance with the provisions of the ordinance the investigation would have had to be completed by April 1 and the examination would have been practically imited to the Board of Public Safety. It would also have been necessary to conduct the investigation so that the stenographer's bill would not amount to more than \$150. When this sum should be exhausted the investigation would stop. As the matter stands at present the ordi-

the mayor will sign the Negley resolution, having signed the appropriation ordinance. The committee provided for in the resolution will probably be appointed at the meeting of the Council next Monday night

nance is referred to the committee on

finance, and this committee may make

such amendments as it sees fit. There be-

ing a Republican majority in the committee its defects will doubtless be looked after.

The Republicans feel reasonably sure that

Board of Safety to Take Evidence in Cases of Policemen.

TRIALS BEGIN TO-DAY.

o'clock this morning to begin taking evidence in the cases against the discharged policemen. lerk Davis, of the department of Public Safety, was busy yesterday issuing summonses for witnesses. About 300 with sses will be summoned by the defendants. One man has submitted a list supreme representatives, John Loth, Munof about eighty people whom he desires subpoenaed. This is Jacob Kurtz, who was discharged from the police department. Among those who will be summoned for the defense are ex-Mayor Denny, George W. Powell, former super-intendent of police; Charles E. Cox, for-mer police judge, and several men who have been members of different boards of Carter, of the Superior Court,

AMUSEMENTS.

GRAND - TO-NIGHT

25c Mats. To-day and Saturday.

Elaborate Production of Fanny Davenport's

PIQUE € Evening prices—Lower floor, 50c; balcony, 25c; gallery, 15c. Matinees, 25c. Seats two weeks in advance. Next week—"Held by the Enemy." Miss Donico's photograph (Kitchell's new ellipsoid panel) to all ladies attending Monday night.

SENGLISH'S

This Afternoon and To-Night, Daniel and Charles Frohman present

The Comedy Event of the Year Feb. 18 and 17-Mat. Sat. ARTHUR EMPRESS JOSEPHINE

MORE THAN QUEEN. PARK-TO-DAY-Williams & Walker

And Their Own Gigantic Company-50 People-in "The Policy Players"

10c, 20c, 30c. Everybody goes to the Park. To-morrow-Hoyt's "A Black Sheep," with William Devere and a great cast. Empire & Theater Wabash and Delaware Sts. Three Nights, Monday, Tuesday and

Wednesday-Daily Mats.,

Reilly & Woods Big Show and the American Vitagraph

masonic Hall Marvelous. Mysterious, ANNA FA And Clever Company

15c, 25c, 35c

the worst cases.

Huder's Drug Store.

MATINEE FRIDAY LADIES ONLY 250

All parts of the hall

Mat. Sat. for every one

Scrofula, a Vile Inheritance.

Scrofula is the most obstinate of blood troubles, and is often the result of an inherited taint in the blood. S. S. S. is the only remedy which goes deep enough to reach Scrofula; it forces out every trace of the disease, and cures

My son, Charlie, was afflicted from infancy

with Scrofula, and he suffered so that it was impossible to dress him for three years. His head and body were a mass of sores, and his 90 eyesight also became affected. No treatment was spared that we thought would relieve him, but he grew worse, until his condition was indeed pitiable. I had almost despaired of his ever being cured, when by the advice of a friend

we gave him S. S. S. (Swift's Specific). Adecided improvement was the result, and after be had taken a dozen bottles, no one who knew of his former dreadful condition would have recognized him. All the sores on his body have healed, his skin is perfectly clear and smooth, and he has been restored to perfect health. Mrs. S. S. Maber, 350 Elm St., Macon, Ga.

For real blood troubles it is a waste of time to expect a cure from the doctors. Blood diseases are beyond their skill. Swift's Specific.

reaches all deep-seated cases which other remedies have no effect upon. It is the only blood remedy guaranteed purely vegetable, and contains no potash, mercury, or other mineral. Books mailed free to any address by Swift Specific Co., Atlanta, Ga. patroled by the defendants, will also be

communication to the board he says he is satisfied that the trials will be "simply a form to be gone through without arriving at a just result."

Terrence Moore, one of the reinstated

men, who was to be tried has sent in his

resignation to the Board of Safety. In his

asked by the men to testify.

____ Safety Board's Session. At a meeting of the Board of Public Safety yesterday, the request of George B. Koons, to be put back to work as a patrolman, was granted. Koons asked for a vacation so that he might attend medical college. The board accepted the resignation of Patrick M. Shea, a member of the police department. Shea has found a place that suits him better.' The city attorney reported to the board that in accordance with the salary ordinance of Jan. 18, 1894, the telephone operators at fire headquarters are entitled to \$2 a day or \$730 a year. The city attorney is also of opinion that the board has a right to appoint a clerk of the detective

An Interurban Conference.

force and to fix his pay.

The Board of Public Works held another conference yesterday with interurban railway representatives in reference to admitting these lines into the city. Charles L. Henry, of the Union Traction Com-pany; Charles F. Coffin and Mr. Erwin, of the Greenwood line, and W. N. Harding. of the Greenfield electric road, were present. Nothing definite was decided on and other conferences will be held. The Board of Works will prepare a form of contract to submit to the representatives of the interurban lines.

Patrolman Wants Back Pay.

Jeremiah Griffin, a discharged patrolman. s asking the Board of Public Safety to allow him \$3,519 back pay. He says he was "let out" Nov. 1, 1806, without trial. He claims that since the precedure was unlawful he should be paid for the time he has been out of the department. Griffin's claim is based on the recent decision of Judge

| who reside on the districts that were Young & McMurray, Tailors, 42 N. Penn. st.

grand commander, Aug. Woemer, Indianthe Vanderbilts. For some years it was lbs; miscellaneous, 456,218,006 lbs; merchanowned jointly by the Lake Shore and the dise, 250,024,462 lbs. The jury in the case of Joseph Lichsten-Indianapolis; grand vice commander, John New York Central stockholders. The Pitts-Shipments-Flour, 8,500 bris; wheat, 11,250 The Board of Public Safety will meet at stetter against the street-railway company. Heinlein, Indianapolis; grand prelate, Sam burg & Lake Erie is considered one of the bu; corn, 700 bu; bran, 108 tons; hay, 1 car; tried in Room 1. Superior Court, yester-Smith, Terre Haute; grand recording and most valuable railroad properties in the cement, 4,750 bris; coal, 159 cars; coke, 56 day evening found a verdict for the decorresponding scribe, Theodore Langbein. cars; cooperage, 55 cars; corn meal and tendant. The jury did this on the instruchominy, 4,025,000 lbs; cattle, 3,264 head; hogs, Indianapolis; grand treasurer, Gottfried Monninger, Indianapolis; grand sergeant-34,930 head; horses, 1,772 head; mules, 27 that the street-railway company was no head; sheep, 330 head; eggs, 24 cases; fruit.

musical selections, songs, dances and a "Why Brown Was Blue," ered by Dave Felt and others. A ball The following officers were elected for the ensuing year yesterday afternoon: Past

tained with a programme consisting of

Route and Southern Railway, 24 hours Cincinnati to Jacksonville, is a vestibuled lim-